



State of Alaska COVID-19 Leave Policy

I. Purpose

On March 11, 2020, Governor Mike Dunleavy issued Administrative Order #315 and declared a State of Emergency in the State of Alaska as a result of the outbreak of COVID-19. The outbreak of COVID-19 throughout the world is a public disaster that significantly impacts the life and health of our people, the economy of Alaska, property and the public peace.

The Families First Coronavirus Response Act (FFCRA) was enacted into federal law on March 18, 2020 and is effective April 1, 2020 until December 31, 2020. The FFCRA provides eligible employees Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFML) for documented qualifying circumstances.

In response to this new law, the following guidelines have been updated and address work restrictions and pay provisions for employees during the COVID-19 public health emergency. As the State of Alaska has an established COVID-19 leave policy in place, EPSL leave is considered the same as SOA COVID-19 leave. Note, the State has developed a corresponding FFCRA FAQ to provide further guidance. The link to the FFCRA FAQ is: http://doa.alaska.gov/dop/fileadmin/DirectorsOffice/COVID19messages/FFCRA_FAQ.pdf

II. Guidelines

A. Public Health Guidance

Under current public health guidance, if an employee has symptoms of fever ($>100.3^{\circ}\text{F}$) and cough or shortness of breath, the employee is to stay home for seventy-two (72) hours after their fever is gone and symptoms have improved. An employee with the symptoms of a common cold or flu, but without a fever, is encouraged to stay home until symptoms are resolved.

B. Teleworking and Workplace Configuration Guidance

State agencies, corporations, and departments shall continue to explore and promote all possible options to expand teleworking for state employees.

If a workplace configuration does not allow for employees to be safely distanced from others (about 6 feet or 2 meters), then the employer should work to alter the workplace configuration and schedule, and explore possible teleworking options so social distancing in the workplace is achieved.

These efforts are done with the recognition of current extenuating circumstances and will not create a past practice or expectation of continuation of teleworking arrangements made to accommodate this emergent situation.

B.1 Employees Requesting Teleworking

Normal teleworking and leave rules apply when agencies are operating under normal operating hours and plans. Teleworking is available to employees only in management-approved positions, and in accordance with the State of Alaska Teleworking Policy. Section II.E. of the policy states:

Management retains the right to approve or deny requests based on established criteria.

Teleworking should only be considered if mutually beneficial for the agency and the employee. In deciding whether to approve an employee's request for teleworking, the supervisor shall consider the following factors:

1. The position's suitability for teleworking;
2. The employee's suitability for teleworking; and
3. The mutual benefits to the agency and the employee.

Note, currently the State is approving situational teleworking requests on a case by case basis.

B.2 Telework-Ineligible Employees

State of Alaska employees not eligible for teleworking because of job function, duty and location include, but are not limited to, roles that are essential to public safety, safety site visits, child welfare, and some positions within 24/7 facilities. As necessary to protect employees in these roles, the state will provide employees with the necessary personal protective equipment (PPE) and training to protect themselves and the public while performing necessary job functions.

C. Travel Guidance

If you are returning from travel, please adhere to the following guidance:

1. If you have traveled anywhere out-of-state or international and are entering Alaska within the past 14 days **you must**:
 - Follow the requirements in the State of Alaska Health Mandate 10.01 International and Interstate Travel – Order for Self-Quarantine - Effective June 6, 2020.
 - Contact your employer and **do not go to work** while/if you are required to self-quarantine after you return.
 - An employee may be required to telework during the self-quarantine period. If the employee is directed to telework and declines to do so, the employee must use their own accrued leave or be in a leave without pay status for the time in self-quarantine.

Note, employees are not eligible for EPSL/COVID-19 leave if travel is not in compliance with the State of Alaska's travel mandates. This includes travel that is not for critical personal needs or nonessential travel. See section D.1 for more detail.

2. Health Guidance for Returning Travelers

- Take your temperature with a thermometer two times a day and monitor for fever (>100.3°F). Also watch for cough or trouble breathing.
- Do not take public transportation during the time you are practicing social distancing.
- Avoid crowded places (such as shopping centers and movie theaters) and limit your activities in public.
- Keep your distance from others (about 6 feet or 2 meters).
- If you get sick with fever (>100.3°F), cough, or shortness of breath, please call your health provider.

- If you seek medical care for other reasons, such as dialysis, call ahead to your doctor and tell them about your recent travel.

D. Guidance for COVID Leave Use

D.1. Qualifying COVID-19 Leave Reasons

If the employer has determined there are no teleworking options for an employee, EPSL/COVID-19 leave may be taken for the following qualifying reasons (Note: FFCRA/EPFL leave does not include b)):

- a) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (i.e. travel self-quarantine);
- b) You tested positive for COVID-19;
- c) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- d) You have been advised by a health care provider to self-quarantine due concerns related to COVID-19;
- e) You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (Effective starting April 1, 2020); or
- f) You are caring for a child whose school or place of care is closed, including a care provider being unavailable, due to COVID-19 reasons (Effective starting April 1, 2020).

To be eligible to take COVID -19 leave under (a) above, the individual must have traveled for critical personal needs. Critical personal needs are defined: as those needs that are critical to meeting a person's individual or family needs. Those needs include buying, selling, or delivering groceries and home goods; obtaining fuel for vehicles or residential needs; transporting family members for out-of-home care, essential health needs, or for purposes of child custody exchanges; receiving essential health care; providing essential health care to a family member; obtaining other important goods; and engaging in subsistence activities.

To be eligible to take COVID-19 leave under (b), (c), and (d) above, the individual must be seeking a medical diagnosis or have been advised by a health care provider (HCP) to self-quarantine.

If you are a full-time employee and have a qualifying reason as outlined above, you are eligible for up to 10 work days (75/80 hours) maximum of paid sick leave in accordance with your regularly scheduled workweek hours. Part-time employees are eligible for paid sick leave based on the number of hours equal to the average number of hours the employee works over a typical 2- week period. EPSL/COVID-19 leave is capped at 10 work days.

With supervisor approval, the employee may be released for up to ten (10) work days:

- with no loss of pay under EPSL/COVID-19 Leave;
- using union bank leave; or
- on accrued leave.

D.2 Leave Use to Care for Individuals

To be eligible to take COVID-19 leave under (D)(1)(e) above, the individual must be unable to care for him or herself and depends on you for care, including his/her own basic medical care, hygiene, nutritional needs, safety, or unable to transport themselves to the doctor, etc.

To be eligible to take COVID-19 leave under (D)(1)(f) above, you will need to certify on the Employee Verification for Paid Leave Due to Coronavirus (COVID) 2019 form that no other suitable person is available to care for the child(ren) during the period of requested leave. After the ten (10) work days of leave has been used an employee may meet the criteria for ten (10) weeks of leave under the Emergency Family Medical Leave Expansion Act.

D.3 How to Request Leave

To request EPSL/COVID-19 leave employees must complete “Employee Verification for Paid Leave Due to Coronavirus (COVID) 2019 form.” The employer retains the right to request written verification confirming the circumstances warranting self-quarantine, or caring for others which may include a signed affidavit from the employee and/or documentation from a health care provider supporting the employee’s request for EPSL/COVID-19 leave.

D.4 General Leave Provisions

If during the period of an employee’s self-quarantine, an employee is unable to continue teleworking due to illness (unrelated to COVID-19), personal needs, or other factors, the employee is required to use accrued leave or leave from a union leave bank, in accordance with state policies, procedures, and any applicable collective bargaining agreement.

The employee is not permitted to report to the worksite during the time they are in self-quarantine for one of the qualifying reasons above. Once you begin taking EPSL/COVID-19 leave for one or more of these qualifying reasons, you must continue to take paid sick leave each day until you either (1) use the full amount of paid sick leave or (2) no longer have a qualifying reason for taking paid sick leave. If you no longer have a qualifying reason for taking paid sick leave before you exhaust your paid sick leave, you may take any remaining paid sick leave at a later time, until December 31, 2020, if another qualifying reason occurs.

Please note, your supervisor may approve for you to take EPSL/COVID-19 leave intermittently while teleworking.

Leave eligible employees may be eligible for additional SOA COVID-19 leave if the leave is taken due to one of the qualifying reasons:

- You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (i.e. travel self-quarantine);
- You tested positive for COVID-19;
- You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.

E. Supervisors

Supervisors who notice an employee exhibiting contagious sick symptoms consistent with COVID-19 at the workplace (e.g., fever plus coughing or difficulty breathing) should require the employee to leave for home.

Supervisors can call the DHSS Epidemiology Help Line, their HR Manager, or the Division of Personnel and Labor Relations for further guidance.

F. Office Closure

In the event of a department, office, or facility closure, instructions will be provided to employees regarding their work status (e.g., teleworking, administrative leave, employee required to work in operations that must provide public safety or other essential public business).

G. Review of Policy

The State reserves the right to modify the policy in order to ensure that the components of this policy advance appropriate public health policy and are not disruptive to the operations of government. This entire policy shall be reviewed no later than fourteen (14) days from its issuance.

H. COVID-19 Related Questions

- a. www.coronavirus.alaska.gov
- b. For non-clinical questions call 2-1-1